

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 19699 of 2006(T)

PETITIONER:

**VEERANKUTTY.P.P., AGED 78 YEARS,
PALACHERY PALLATH HOUSE, KAVUKKODE (POST),
CHALISSERY (VIA), OTTAPALAM TALUK,
PIN-679 536.**

BY ADV. SMT.PRIYA VIJAYAN

RESPONDENTS:

**1. STATE BANK OF INDIA REPRESENTED BY
THE MANAGER, KUNNAMKULAM BRANCH,
THRISSUR DISTRICT.**

**2. DEPUTY TAHSILDAR (RR),
TALUK OFFICE, OTTAPALAM.**

**BY ADV. SRI.GEORGE THOMAS(MEVADA), SC, SBI
GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01/03/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 19699/2006 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE DEMAND NOTICE ISSUED BY THE R2 DT. 26/6/2006.

EXT.P2. COPY OF THE PETITION SUBMITTED BY THE PETITIONER DT. 14/7/2006.

True copy

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.19699 OF 2006-T

Judgment

The petitioner has availed a loan of Rs.1 lakh from the 1st respondent Bank. He could pay only Rs.10,000/- in the loan account. The petitioner submits, the failure of the agriculture was the reason for non-payment of the amount. Now, he has been served with Ext.P1 revenue recovery notice under Section 7 of the Revenue Recovery Act, claiming an amount of Rs.1,26,621/- with 9.25% interest from 23.03.2001. Upon receipt of that notice, the petitioner has filed Ext.P2 representation before the 1st respondent, claiming that the benefits declared by the Kerala Government under agricultural debt relief schemes may be extended to him. Thereafter, this Writ Petition is filed, seeking a direction to the 1st respondent to extend the said benefit and also for a further direction to the said respondent to consider and pass orders on Ext.P2 representation.

2. The 1st respondent has filed a counter affidavit resisting the prayers in the Writ Petition. It is pointed out that as per the pleadings of the petitioner, he is having assets worth Rs.80 lakhs. Therefore, he is a wilful defaulter and he is not liable to get any concession from the side of the Bank. Except Rs.10,000/-, the petitioner has not so far paid anything in the loan. Therefore, the revenue recovery proceedings were initiated.

3. The 1st respondent is directed to consider Ext.P2 representation and extend the benefit that could be granted in accordance with law, concerning

waiver of interest etc. The said respondent shall also consider whether instalment facility could be extended to the petitioner to close the loan account. The decision in this regard shall be taken and communicated to the petitioner by the 1st respondent within one month from the date of receipt of a copy of this Judgment. If the petitioner produces a copy of this Judgment before the 1st respondent within two weeks from today, the attachment of the immovables as per Ext.P1 will be kept in abeyance till the 1st respondent takes a decision on Ext.P2 representation.

The Writ Petition is disposed of as above.

01.03.2007

K.BALAKRISHNAN NAIR,JUDGE

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